

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN  
AFFILIATED, LLC,

*Plaintiffs,*

v.

SPOTIFY USA INC.; HARRY FOX  
AGENCY, LLC,

*Defendants.*

SPOTIFY USA INC.,

*Third-Party Plaintiff,*

v.

KOBALT MUSIC PUBLISHING  
AMERICA, INC.,

*Third-Party Defendant.*

Civil Case No. 3:19-CV-00736

Hon. Aleta A. Trauger

Magistrate Judge Jeffery S. Frensley

JURY DEMAND

**SPOTIFY USA INC.'S UNOPPOSED MOTION FOR LEAVE  
TO FILE DOCUMENTS UNDER SEAL**

Pursuant to Section 5.07 of the Amended Practices and Procedures for Electronic Case Filing (Administrative Order 167-1), and Local Rule 5.03, Spotify USA Inc. (“Spotify”) respectfully moves for leave to file the following documents under seal: Spotify’s Memorandum of Law in Support of Its Opposition to Plaintiffs’ Motion to Exclude Expert Philip Green and accompanying Exhibits (together, the “Opposition”).

Spotify has conferred with the other parties pursuant to Local Rule 7.01(a)(1) regarding the relief sought in this Motion. No party opposes the relief sought in this Motion, *i.e.*, the temporary sealing of the Opposition pending the entry of a stipulation among the parties or an order of the Court following further meet-and-confer regarding redactions and sealing pursuant to the Court's order (ECF 409).

To “justify nondisclosure to the public,” “[t]he proponent of sealing must provide compelling reasons to seal the documents and demonstrate that the sealing is narrowly tailored to those reasons—specifically, by ‘anayl[ing] in detail, document by document, the propriety of secrecy, providing reasons and legal citations.’” *Beauchamp v. Federal Home Loan Mortgage Co.*, 658 F. App’x 202, 207 (6th Cir. 2016) (quoting *Shane Grp, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305-06 (6th Cir. 2016)). Spotify respectfully moves to file the above listed documents under seal because they include confidential business information and information marked “Highly Confidential – Outside Counsel’s Eyes Only” pursuant to the Protective Order filed in this action, including such materials as designated by other parties and non-parties in this action. (Dkt. 217). Redactions are not feasible given the nature and designated status of the documents and the extent to which Spotify’s Memorandum of Law and Spotify’s Exhibits quote from and/or incorporate these documents. The requested relief will accordingly avoid any public disclosure that could violate agreements or implicate any party’s (or non-party’s) privacy or confidential business interests. *See Good L. Corp. v. Fasteners for Retail, Inc.*, 2020 WL 6948360, at \*2 (M.D. Tenn. Jun. 15, 2020) (granting a motion to seal

because the documents include “specific financial and market information”); *London Computer Sys., Inc. v. Zillow, Inc.*, 2019 WL 4110516, at \*4 (S.D. Ohio Aug. 29, 2019) (noting that disclosure of documents would “cause a competitive disadvantage” to the corporation).

For similar reasons, this Court previously granted various Motions from the parties to file materials under seal, including Third-Party Defendant Kobalt’s Answer, Kobalt’s Opposition to Spotify’s Motion to Compel the Production of Documents, and Plaintiffs’ Opposition and Sur-Reply to Spotify’s Motion for a Protective Order. (Dkts. 109, 186, 226, and 239).

**WHEREFORE**, Spotify respectfully requests that the Court grant Spotify leave to file under seal the aforementioned documents.

Dated: February 7, 2024

Respectfully submitted,

By: /s/ Aubrey B. Harwell III

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on February 7, 2024 with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. Parties may access this filing through the Court's electronic filing system.

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